

REMARKS

Claims 1-23 are pending in the present application. In the Office Action mailed November 03, 2005, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Katooka et al. (USP 5,831,240). Applicant respectfully disagrees.

In the previous Office Action of June 23, 2005, the Examiner rejected all of the claims of the above-captioned Application as anticipated under 35 U.S.C. §102(b) by Katooka et al. Responsive thereto, in the Response of August 19, 2005, Applicant referred the Examiner's attention to several distinctions between the presently claimed invention and the assembly of Katooka et al. The Examiner now maintains that all of the present claims are unpatentable over Katooka et al. in that "it would have obvious to one of ordinary skill in the art at the time applicant's invention was made to modify the ramp on either the base or end panel, since that would have been a design choice." The Examiner has simply converted the same rejection from a §102 to a §103. However, the Examiner has both overlooked the requirements for establishing a *prima facie* obviousness rejection and has disregarded the elements, and the arrangement of those elements, as specifically called for in the claims. Accordingly, should the Examiner not allow the presently pending claims, and maintains the rejection as unpatentable over Katooka et al., Applicant respectfully requests, for purposes of clarity and to create a clear record for appeal, that the Examiner address the arguments presented herein with specificity.

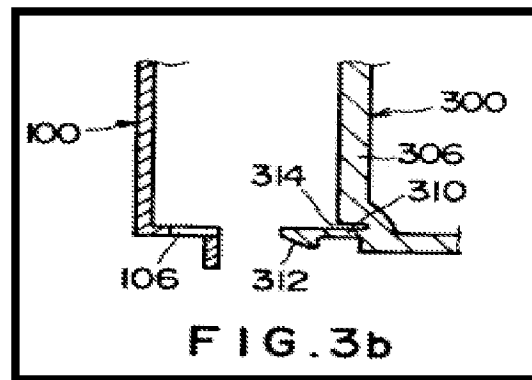
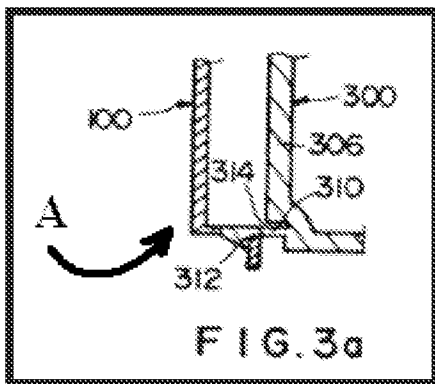
The Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Katooka et al. stating that "[a]s to claims 1, 2, 10, and 17, Katooka et al disclose[s] a welding apparatus and method to assembly the end panel to the base of the welding apparatus comprising the end panel (100) having at least one snap with an opening, and the base (300) having at least one ramp (312) formed thereon that is generally in alignment with at least one snap (figures 3a-d)." The Examiner further admits that "Katooka et al fail[s] to teach the ramp on the end panel" but that "[i]nstead, Katooka teaches the ramp on the base." The Examiner further maintains that "it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to modify the ramp on either the base or end panel, since that would have been a design choice." However, Katooka et al. does not teach or suggest each and every element as called for in the present claims.

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. MPEP §2142. To establish a *prima facie* case of obviousness, the reference[s] must teach or suggest all of the claim limitations and must suggest or motivate the modifications thereto. MPEP §2142. Further, the teaching or suggestion to make the claimed combination and/or

modification must both be found in the prior art, and not based on applicant's disclosure. MPEP §2142. “**The fact that references can be combined or modified is not sufficient to establish prima facie obviousness.**” MPEP § 2143.01. The reference must teach or suggest the desirability of the proposed modification.

Claim 1 calls for, in part, an end panel having at least one ramp formed thereon. The Examiner states that “Katooka et al fail to teach the ramp on the end panel.” The Examiner admits that Katooka et al. does not teach at least this element of claim 1; however, this is not the only element of claim 1 that is not taught or suggested in Katooka et al. Claim 1 also calls for, in part, a base having at least one snap with an opening therein and an end panel with at least one ramp formed thereon. In rejecting claim 1, the Examiner states that “Katooka et al disclose[s] ... an end panel (100) having at least one snap with an opening, and the base (300) having at least one ramp (312) formed thereon that is generally in alignment with at least one snap (figures 3a-d).” The Examiner is attempting to force the disclosure of Katooka et al. to satisfy the terms of present claims.

First, as shown in Figs. 3a and 3b of Katooka et al., reproduced below, front panel 100 includes a through hole or slot 106 therein. Slot 106 engages protrusion 312 of projection 310 when front panel 100 is engaged with chassis 300. The assembly of Katooka et al. does not have an end panel having at least one ramp formed thereon and a snap having an opening therein as called for in claim 1.



Referring to Figs. 3a and 3b, Katooka et al. states that “[e]ach of the projections 310 has ... a protrusion 312 protruding outward from the tip end of that projection” and that “[i]n order to make the projections 310 possible to bend inward, slots 314 are formed in the front and rear members 306 and 308...” Col. 6, lns. 9-12. Katooka et al. continues, “For detaching the front and rear panels 100 and 200 from the chassis 300, the protrusion 312 shown, ... in Fig. 3a, is pushed inward by a finger and the panels are pulled off, as shown in FIGS. 3b and 3d.” Col. 6, lns 25-29. That is, protrusion 312 extends from projection 310 which extends from an end of chassis 300. Katooka et al. has a “snap” or a projection 310, without an opening therein, which extends from chassis 300 and has a “ramp” or protrusion 312 formed thereon. This is not what is called for in the present claims. As shown in Fig. 3a of Katooka et al., there is no ramp formed on panel 100 but merely an opening formed therein. Contrary thereto, claim 1 calls for a base having at least one snap with an opening therein and an end panel having at least one ramp formed thereon. Such a construction is not taught or suggested in Katooka et al.

Furthermore, as shown in Fig. 14 of Katooka et al., chassis 300 is clearly not a base of the assembly thereof. That is, if chassis 300 were used as a base, or a support for the device of Katooka et al., circuit boards 614, 616, located in lower region 608, would be positioned under the “base” 300 and the boards would be positioned outside the enclosure of the device and invariably be damaged during use. In as much as Katooka et al. fails to teach or suggest each and every element as set forth in claim 1, and fails to suggest the Examiner’s extensive modifications thereto, Applicant believes that which is called for in claim 1 is patentably distinct thereover.

Claim 10 calls for, in part, a subassembly for a welding apparatus having an end panel having a receptacle area formed therein and a base having an end interfitted into the receptacle area of the end panel. Claim 10 further calls for at least one snap extending outwardly from the end of the base and having an opening formed in a distal end thereof. The end of the base is interfitted into a receptacle area of the end panel and at least one snap extends therefrom. There is no comparable structure taught and/or suggested in Katooka et al. That is, as disclosed in Katooka et al., projection 310 extends from an end of chassis 300 and is received in through-hole 106 of front panel 100. The front panel 100 of Katooka et al. does not include at least one snap which extends from the end of front panel 100 and wherein the end of front panel 100 is interfitted into a receptacle area of chassis 300 as called for in claim 10. There is simply no teaching or suggestion of that which is called for in claim 10 in Katooka et al. Further, there is no suggestion or motivation in Katooka et al. for the modifications suggested by the Examiner. The only teaching of the claimed invention is Applicant’s own disclosure. Accordingly, Applicant

believes claim 10, and the claims that depend therefrom, are patentably distinct over Katooka et al.

Claim 17 calls for, in part, a method of assembling an end panel to a base of a welding apparatus comprising the steps of providing a base with at least one snap having an elongated opening formed therein, providing a panel having at least one ramp formed thereon, and inserting the base into the panel to cause the snap to ride upwardly along the ramp such that the ramp enters into a recess. That is, the panel has a ramp formed thereon and the base has a snap extending therefrom. No such structure is taught or suggested by Katooka et al.

Katooka et al. discloses an assembly wherein a projection 310 with a ramped protrusion 312 extends from chassis 300 and snap-fittingly engages a through-hole 106 formed in front panel 100. Katooka et al. states that “projections 310 extend forward and rearward from the left and right ends of front and rear end members 306 and 308 of the chassis 300, respectively” and that “[e]ach of the projections 310 has second engaging means, e.g. a protrusion 312 protruding outward from the tip end of that projection.” Col. 6, lns. 5-10. Katooka et al. further states that “[i]n order to make the projections 310 possible to bend inward, slots 314 are formed in the front and rear members 306 and 308, as shown in FIGS. 3a and 3b.” Col. 6, lns. 10-12. Katooka et al. continues, “The protrusions 312 engage with the through-holes 106 and 206 in the front and rear panels 100 and 200, respectively” and that “... protrusion 312 at the front, right-hand corner of the chassis 300 engage with the through-holes 106 formed in the right-hand edge of the front panel 100, as shown in FIGS. 3a and 3c.” Col. 6, lns. 13-18.

It is apparent that Katooka et al. teaches that projections 310 provide the deflectable “snap” of the assembly thereof. Projection 310 does not include an elongated opening formed therein as called for in claim 17. Furthermore, Katooka et al. does not teach or suggest an assembly having a ramp on one panel and a snap on another panel as called for in claim 17. Claim 17 defines the method of assembling the panel to the base such that inserting the base into the panel causes the snap to ride upwardly along the ramp. That is, claim 17 clearly associates the snap as movably related to the ramp. The assembly of Katooka et al. includes a deflectable projection 310 having a protrusion 312 formed thereon. That is, there is no movement between projection 310 and protrusion 312. The two parts are unitary and must move together. As such, projection 310 does not ride upwardly along protrusion 312 as called for in claim 17. Rather, projection 310 is deflected by the movement of protrusion 312 into through-hole 106. Further, projection 310 does not include any opening formed therethrough let alone an elongated opening as called for in claim 17. These dissimilarities cannot simply be dismissed as “design choice.”

These claimed distinctions define the operative association of the structural elements of the present invention. Since none of these structural limitations are taught, or even suggested, in Katooka et al., Applicant believes claims 17, and the claims that depend therefrom, are patentably distinct thereover.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-23.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

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